

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

TOMESHIA HORNE

§  
§  
§  
§  
§

VS.

CIVIL NO. 5:21-cv-00955

JOMO LOVELACE and  
MELTON TRUCKLINES, INC.

**DEFENDANTS, AND MELTON TRUCK LINES, INC. and JOMO LOVELACE'S NOTICE  
OF REMOVAL**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS:

Pursuant to 28 U.S.C. §§ 1332 and 1441(a), Defendants, **MELTON TRUCK  
LINES, INC.**, and **JOMO LOVELACE** hereby removes this action to the United States  
District Court for the Western District of Texas San Antonio Division from the 456<sup>th</sup>  
Judicial District Court of Guadalupe County, Texas, stating as follows:

1. Plaintiff, Tomeshia Horne commenced this action in the 456<sup>th</sup> District Court of  
Guadalupe County, Texas, where it was given Cause No. 21-1827-CV-E. This action is  
between residents and citizens of different states. Plaintiff is a citizen and resident of  
Texas. Defendant, Jomo Lovelace is a citizen and resident of Pennsylvania.  
Defendant, Melton Truck lines, Inc. is an Oklahoma corporation with its principal place  
of business in Tulsa, Oklahoma and therefore a citizen of Oklahoma. Plaintiff and  
Defendants are citizens and residents of different states, none of the Defendants are  
citizens or residents of Texas, and the proper parties are totally diverse from Plaintiff.

2. Plaintiff claims damages for serious personal injury and as of Plaintiff's August  
25, 2021 Original Petition, Plaintiff is seeking damages over two hundred fifty thousand  
dollars (\$250,000.00) but no greater than One million dollars (\$1,000,000.00).  
Accordingly, this Court has original jurisdiction under 28 U.S.C. § 1332. Thus, it is  
"facially apparent" from the plaintiff's state court petition that the controversy here  
exceeds the minimum jurisdictional limits. See, e.g., *De Aguilar v. Boeing Co.*, 11 F.3d

55, 57 (5th Cir. 1993)(noting that, if it is “facially apparent” from the state-court petition that the amount in controversy exceeds the jurisdictional minimum, the defendant need only point such fact out to successfully bear its burden); *Matney v. Wenger Corp.*, 957 F. Supp. 942, 943-44 (S.D. Tex. 1997)(finding that plaintiff’s petition satisfied amount-in-controversy requirement despite contention to the contrary where petition alleged “severe bodily injuries”).

3. Defendant, Melton Truck Lines, Inc. received the summons and complaint on September 10, 2021, by way of service on Registered agent.

4. Defendant, Jomo Lovelace has not been served but voluntarily appears and agrees to removal.

5. A copy of all process, pleadings, and orders served upon Defendants, Melton Truck Lines, Inc. and Jomo Lovelace, are attached as Exhibit A.

6. Defendants will provide written notice of this Notice of Removal to all adverse parties and will file a copy with the Clerk of the 456<sup>th</sup> District Court of Guadalupe County, Texas.

6. Defendants, Melton Truck Lines, Inc. and Jomo Lovelace consent to this removal.

Dated: October 12, 2021

Respectfully submitted,

LARRY D. WARREN  
ATTORNEY IN CHARGE  
State Bar No. 20888450

FBN: 13339  
**ATTORNEY FOR DEFENDANTS,  
MELTON TRUCK LINES, INC. AND  
JOMO LOVELACE**

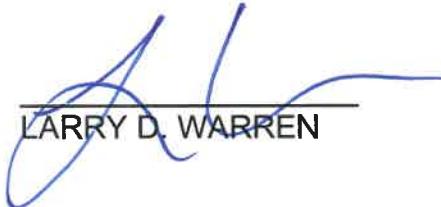
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of **October 2021**, the foregoing document, was filed with the Clerk of Court using the CM/ECF system, and was served on counsel via **E-mail**:

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